

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ST. CLAIR COUNTY EMPLOYEES')
RETIREMENT SYSTEM, Individually and on)
Behalf of All Others Similarly Situated,)

Plaintiff,)

vs.)

ACADIA HEALTHCARE COMPANY, INC.,)
et al.,)

Defendants.)

Civil Action No. 3:18-cv-00988

CLASS ACTION

District Judge William L. Campbell, Jr.
Magistrate Judge Alistair E. Newbern

JOINT MOTION FOR EXEMPTION FROM
LOCAL RULE 39.01(c)(5)(E) EXPERT
STATEMENT REQUIREMENT

Plaintiffs and Defendants (collectively, the “Parties”),¹ respectfully submit this joint motion to request exemption from the requirement of Local Rule 39.01(c)(5)(E) that the direct testimony of expert witnesses be reduced to writing and read to the jury rather than presented in traditional direct testimony format. *See* ECF 297 at 3. Due to the number of experts and the complex subject matter of their testimony, the Parties believe that examination of witnesses in the traditional question-and-answer format would serve to expedite the trial of this matter. *See, e.g., Tenn. Conf. of the NAACP v. Lee*, Civil No. 3:20-cv-01039, ECF 331 (M.D. Tenn. Jan. 21, 2025); *Pacheco v. Johnson*, Civil No. 3:11-cv-00221, ECF 225 (M.D. Tenn. Sept. 21, 2016); *Lee v. Metro. Gov’t of Nashville and Davidson Cnty.*, Civil No. 3:06-0108, ECF 476 (M.D. Tenn. Mar. 27, 2009).

Pursuant to Local Rule 39.01(c)(5)(E) and the Court's Order setting the case for trial, currently the testimony of expert witnesses must be reduced to writing and read to the jury in the

1 “Plaintiffs” are Lead Plaintiffs Chicago & Vicinity Laborers’ District Council Pension Fund
and New York Hotel Trades Council and Hotel Association of New York City, Inc. Pension Fund.
“Defendants” are Acadia Healthcare Company, Inc., Deborah H. Jacobs, as Executor of the Estate of
Joey A. Jacobs, Brent Turner, and David Duckworth.

form of an expert statement. After that statement is read by the expert witness, the attorney who called the witness “may ask additional questions to further explain his opinion.” The expert witness, however, may not offer any opinions not contained in his written statement. *See* L.R. 39.01(c)(5)(E).

While the Parties recognize the potential benefits of this Local Rule in expediting presentations of expert proof, in the present case the nature, scope, and complexity of expert testimony to be presented would be better presented in the typical question-and-answer format of direct testimony. Presenting the testimony in this format would allow explanation of the more complex portions of the experts’ opinions as their testimony is developed and would avoid the revisiting of numerous topics through questions asked at the conclusion of the expert witness statement. As a result, the traditional method of direct examination is likely to allow the trial to proceed as efficiently as possible.

Furthermore, an exemption from Local Rule 39.01(c)(5)(E) in this case would allow the evidence to be presented to the jury in the most understandable manner possible. The topics for expert testimony in this case include financial economics, accounting and financial planning, forensic analytics, and statistical analyses of behavioral healthcare quality-of-care metrics. These are technical and complex topics to explain to the jury. The Parties’ experts’ ability to present and explain their opinions on these topics to the jury will be enhanced through the use of traditional question-and-answer direct examination, and the potential for confusing the jury will be decreased. Moreover, the Parties do not anticipate that any exemption from the expert statement requirement of Local Rule 39.01(c)(5)(E) will lengthen the trial of this matter, as the expert witnesses have already produced reports and certain of them sat for depositions concerning the scope of their opinions, and will of course not expand beyond the previously-defined scope of their opinions as set forth in their written reports at trial.

For the foregoing reasons, the Parties respectfully move the Court to grant them an exemption from the expert witness statement requirement of Local Rule 39.01(c)(5)(E).

DATED: August 4, 2025

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